

MEMORANDUM

TO: County Council

FROM: MF Michael Faden, Senior Legislative Attorney

SUBJECT: Bill 48-87, Collective Bargaining - Fire/Rescue Employees

Bill 48-87 is scheduled to be introduced on October 20, 1987, by the Council President at the request of the County Executive. It creates a third collective bargaining unit, primarily for the employees in the firefighter/rescuer classification below the rank of sergeant who will transfer to County employment as a result of the enactment of Bill 42-87 last week.

If this bill is enacted, the procedures for certifying a union representative, and the subjects of and procedures for bargaining will be the same as those for the other bargaining units. We understand that bargaining would begin about November 1, 1988 for the FY90 budget.

Some of the issues this bill raises are:

1) Does this set a precedent for the creation of other new bargaining units?

2) How will the 20-odd firefighter employees of DFRS who are now members of another bargaining unit be treated? They would fall within the new unit, but how will the transfer affect their pay and benefits and their right to file grievances?

3) The Fire/Rescue Communications Technician position included within this bargaining unit is a civilian position. (Currently only 1 person holds this position.) Does this set a precedent for inclusion of other civilian positions in public safety (police and fire) bargaining units?

This packet contains:

Bill 48-87

Legislative Request Report

Memo from County Executive

Circle 1

Circle 4

Circle 6

Bill No.: 87
Concerning: Collective Bargaining-
Fire/Rescue Employees
Draft No. & Date: 1 - 10/16/87
Introduced: 10/20/87
Expires: 4/20/89
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. , Laws of Mont. Co., FY

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EMERGENCY ACT to:

- (1) establish a Fire/Rescue collective bargaining unit;
- (2) establish a filing date for certification petitions for new bargaining units; and
- (3) generally amend certain collective bargaining provisions.

By amending

Montgomery County Code
Chapter 33, Personnel
Sections 33-105 and 33-106

EXPLANATION: **Boldface** indicates a heading or a defined term.
Underlining indicates text that is added to existing law by the original bill.
[Single boldface brackets] indicate text that is deleted from existing law by the original bill.
Double underlining indicates text that is added to the bill by amendment.
[[Double boldface brackets]] indicate text that is deleted from existing law or the bill by amendment.
* * * indicates existing law unaffected by the bill.

The County Council for Montgomery County, Maryland, approves the following act:

Sec. 1 Section 33-105 is amended as follows:

33-105. Units for Collective Bargaining.

(a) There are [two (2)] 3 units for collective bargaining and for purposes of certification and decertification. Persons in these units are all County government merit system employees working on a continuous full-time, career or part-time, career basis, excluding the categories listed as exceptions to the definition of Employee in Section 33-102(4) of this article. The employees are divided into [two (2)] 3 units, in accordance with the following descriptions:

(1) * * *

(2) * * *

(3) Fire/Rescue Unit. This unit is composed of employees who hold the positions of Master Firefighter/Rescuer, and Firefighter/Rescuer I, II, and III, [[and Fire/Rescue Communications Technician,]] and who are associated with fire suppression, fire protection, fire communications, fire service training, rescue and emergency medical services. These duties include the rescue and safety of individuals and the preservation of structures and physical property.

(b) Specific job classes included in these units of representation, and not otherwise excluded under Section 33-102(4), shall be based on the designations made by the Chief Administrative Officer under the prior meet and confer process if the job class is not specified in this article.* * *

(1)

Sec. 2. Section 33-106 is amended as follows:

33-106. Selection, certification, and decertification procedures.

(a) The certification or decertification of an employee organization as the representative of a unit for the purpose of collective bargaining shall be initiated in accordance with the following procedures:

(1) * * *

(2) * * *

(3) Petitions may be filed within [thirty (30) days following the date on which this article becomes effective] 90 days after any new bargaining unit is established. Thereafter, if a lawful collective bargaining agreement is not in effect, petitions may be filed between September 1 and September 30 of any year, but not sooner than [twenty-two (22)] 22 months after an election held under this section.

(4) * * *

(b) * * *

(c) * * *

(d) * * *

(e) * * *

Sec. 3. Effective Date.

The Council declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. This Act takes effect on the date on which it becomes law.

01 Approved:

02
03 _____
04 Rose Crenca, President, County Council

Date

05
06 Approved:

07
08 _____
09 Sidney Kramer, County Executive

Date

10
11
12 This is a correct copy of Council action.

13
14 _____
15 Kathleen A. Freedman, Secretary, County Council

Date

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LEGISLATIVE REQUEST REPORT

Bill 48-87

Fire/Rescue Collective Bargaining Unit and Certification Procedures

DESCRIPTION: This bill creates a third collective bargaining unit to be composed of Master Firefighter/Rescuer, Firefighter/Rescuer I, II, III, and Fire/Rescue Communications Technician. It also provides for the filing of petitions for certification of an employee organization within 90 days following the date of creation of the bargaining unit.

PROBLEM: On October 15, 1987, the Montgomery County Council passed Bill 42-87 which provides for the transfer of Firefighter/Rescuers from the independent fire corporations to the Department of Fire and Rescue Services. Montgomery County Charter Section 511 authorizes the Council to provide for collective bargaining with representatives of employees of the County government. Montgomery County Code Section 33-101 through 33-112 has established a collective bargaining procedure for County employees. The addition of a large group of firefighters to the County labor force has created a substantial group of employees with a unique community of interest.

GOALS AND OBJECTIVES: To promote a harmonious, peaceful and cooperative relationship between the County government and its employees and to protect the public by assuring at all times the responsive, orderly and efficient operation of County government and services. The County wishes to provide an orderly procedure for determining wages, hours, and certain working conditions for Fire/Rescuer employees, newly covered by collective bargaining as employees of Montgomery County, Maryland.

COORDINATION: Department of Fire and Rescue Services

FISCAL IMPACT: Requested

ECONOMIC IMPACT: Requested

EVALUATION: To be conducted by the Montgomery County Council, Office of Legislative Oversight at the request of the Montgomery County Council in coordination with the review of Bill 42-87.

EXPERIENCE
ELSEWHERE:

Not applicable.

SOURCE OF
INFORMATION:

Clyde H. Sorrell, County Attorney 251-2600
Robert Kendal, Director, Office of Management
and Budget
Sean Rogers, Chief, Division of Labor Relations/
Training

APPLICATION
WITHIN
MUNICIPALITIES:

Not applicable

PENALTIES:

No new or additional penalties are created by this
amendment to the existing collective bargaining law.

3123S



Montgomery County Government

ROCKVILLE, MARYLAND 20850

7 OCT 19 88:31
COUNCIL

Sidney Kramer
County Executive
(301) 251-2500
TTY 279-1083

MEMORANDUM

October 16, 1987

TO: Rose Crenca, Council President

FROM: Sidney Kramer, County Executive *Sidney Kramer*

RE: Amendments to the County Collective Bargaining Law to establish a separate Fire/Rescue Bargaining Unit

On Thursday, October 15, 1987 the County Council unanimously voted for emergency legislation to permit the transfer of paid County firefighters into the County merit system. As a consequence of this emergency legislation, the individuals encumbering the positions of Master Firefighter/Rescuer, Firefighter/Rescuer I, II, II and Fire/Rescue Communications Technician may become members of the collective bargaining unit defined by the provisions of the County Collective Bargaining Law.

I believe it is in the best interest of the County government, the affected employees and the County's collective bargaining program to be in a separate bargaining unit. Historically, firefighter/rescuers have been recognized as sharing a unique community of interest in labor relations and collective bargaining systems. Therefore, I am submitting the attached emergency legislation to amend the provisions of section 33-105 and 106 to create a separate Fire/Rescue Unit and to permit a 90 day period following the creation of the new bargaining unit for the acceptance of petitions from interested employee organizations seeking certification as the exclusive representative for the new bargaining unit.

The legislation also limits the bargaining unit's coverage to Master Firefighter/Rescuer, Firefighter/Rescuer I, II, III and Fire/Rescue Communications Technician classes. Supervisory employees, Sergeants and above, remain outside the bargaining unit and the coverage of collective bargaining consistent with the current provisions of the County Collective Bargaining Law.

This legislation is submitted as emergency legislation to ensure that the new bargaining unit is in place before the transfer of firefighters to the merit system.

I urge the immediate passage of this emergency legislation.

